

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



UNITED STATES OF AMERICA,

v.

JOHN STUART,

Defendant.

21-CR-7-LJV-JJM
DECISION & ORDER

1. On July 30, 2024, the defendant, John Stuart, pleaded guilty to Count 2 of the indictment charging a violation of Title 18, United States Code, Section 2252A(a)(5)(B) and 2252A(b)(2) (possession of child pornography involving a prepubescent minor). Docket Item 138.

2. On July 30, 2024, the Honorable Jeremiah J. McCarthy, United States Magistrate Judge, filed a Report & Recommendation recommending that the defendant's plea of guilty be accepted and that the defendant be adjudged guilty. Docket Item 139.

3. This Court has not received objections to the Report & Recommendation in accordance with Title 28, United States Code, Section 636(b)(1), and Rule 59(b) of the Federal Rules of Criminal Procedure, and the time to object now has expired.

4. This Court has carefully reviewed *de novo* Judge McCarthy's Report & Recommendation (Docket Item 139), the plea agreement (Docket Item 138), indictment (Docket Item 8), a transcript of the plea proceeding (Docket Item 140), and the applicable law. This Court finds no legal or factual error in Judge McCarthy's Report


& Recommendation and therefore adopts Judge McCarthy's recommendation that the defendant's plea of guilty be accepted and that the defendant be adjudged guilty of count 2 of the indictment.

IT IS HEREBY ORDERED that this Court adopts Judge McCarthy's July 30, 2024 Report & Recommendation, Docket Item 139, in its entirety, including the authorities cited and the reasons given therein, and it is further

ORDERED that the Court accepts the defendant's plea of guilty and defers acceptance of the plea agreement pursuant to Sentencing Guidelines Section 6B1.1(c), and the defendant, John Stuart is now adjudged guilty under Title 18, United States Code, Section 2252A(a)(5)(B) and 2252A(b)(2).

SO ORDERED.

Dated: September 16, 2024
Buffalo, New York



LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE